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Brennan Center for Justice
at New York University School of Law

161 Avenue of the Americas
12th Floor
New York, NY 10013
646.292.8310 Fax 212.463.7308
www.brennancenter.org

**Testimony of Michael German, Fellow,
Brennan Center for Justice at New York University Law School;
Former Special Agent, Federal Bureau of Investigation**

**Before the
United States Senate Committee on the Judiciary
Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts**

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***“Willful Blindness: Consequences of Agency Efforts To Deemphasize Radical Islam in
Combating Terrorism”***

Chairman Cruz, Ranking Member Coons, and members of the Subcommittee, thank you for inviting me to testify about deficiencies in the rhetoric surrounding the United States government’s counterterrorism efforts. Almost 15 years after declaring the prevention of terrorism our government’s highest priority, it is necessary and appropriate for us to carefully examine whether the methods we are using are working.

In testimony before the Senate Intelligence Committee earlier this month, CIA Director John Brennan said that the significant battlefield successes resulting from our \$7 billion effort to defeat ISIS in Iraq and Syria “have not reduced the group’s terrorism capability and global reach.”¹ In Afghanistan, the Taliban is resurgent, and reportedly holds more territory than at any point since 2001.² And a December 2015 Gallup poll indicates that Americans’ fear of terrorism is the highest it has been in ten years.³ Clearly, our counterterrorism policies are not as effective as they need to be to reduce political violence abroad and build public resiliency to terrorism at home.

I respectfully disagree, however, with the notion that the Obama administration’s reluctance to identify “radical Islam” as the focus of our counterterrorism effort is part of the problem. As I will explain further below, it is a term that lacks objective meaning and only serves to stoke public fear, xenophobia, and anti-Muslim bigotry. I agree with President Obama that the use of this rhetoric offends American values of equality, religious liberty, and free expression, and undermines the national unity and international cooperation necessary to effectively counter terrorist violence at home and abroad.⁴ This is not political correctness, it is factual correctness. “Radical Islam” is no more accurate or appropriate a descriptor of the source of terrorist violence committed by Muslims than the label “radical Christianity” would be to

describe the violence perpetrated by Ku Klux Klan,⁵ the Army of God,⁶ or the Lord's Resistance Army.⁷ No one scoured Christian theological texts for the fatal defects that could explain the bloodletting between Catholics and Protestants in Northern Ireland in the 1970s, or the war crimes Christian Serbs inflicted on their Bosnian Muslim neighbors in the 1990s.⁸

But a number of policy-makers, supported by a cadre of self-styled terrorism experts and expressly anti-Muslim organizations, have ensured that "radical Islam" has remained a predominant part of the public debate regarding terrorism since the 9/11 attacks, despite President Obama's reluctance to use the term. In 2011, the Center for American Progress documented what it called an "Islamophobic Network" that funneled more than \$40 million dollars to organizations promoting the idea that "radical Islam" poses an existential threat to the U.S.⁹ A more recent study put the number at \$205 million.¹⁰ Biased and factually-flawed counterterrorism training materials produced by the FBI and the Departments of Justice, Defense, and Homeland Security vividly demonstrate these anti-Muslim groups had a substantial influence on the instruction our law enforcement and intelligence agencies received over many years.¹¹

In addition, Congress has held more than a dozen hearings focused on Muslim radicalization before this one.¹² These hearings brought a lot of heat to the debate, but little light that could show the way to more effective solutions. They contributed to a counterterrorism discourse in the U.S. that has consistently been ill-informed, highly politicized, and divisive. As was the case during national security emergencies in our past, we err in thinking that we can improve our collective national security by undermining the security and liberty of some subset of fellow Americans.

The problem is not that there has been too little talk of "radical Islam," but too much. And I would argue that substituting the term "violent extremism" does little to assuage the problem when counterterrorism programs disproportionately target Muslim communities.¹³ The skewed focus on terrorism committed by Muslims has clearly impacted priorities, policies and practices of both federal and local law enforcement agencies, which have disproportionately and indiscriminately targeted American Muslim communities with surveillance and infiltration by *agents provocateurs*, often to the exclusion of other violent threats. In foreign policy, our inordinate focus on extremist ideology as the primary lens through which we evaluate an array of civil wars and insurgencies around the world blinds us to the true nature of these political conflicts, and limits the possible solutions we can consider, putting us on a path to perpetual war, with all of the predictable consequences for civil liberties, human rights, and the rule of law.

Today, most Americans know little about ISIS except to be deathly afraid of it, which is exactly what ISIS wants.¹⁴ One need not search the dark web for ISIS propaganda wildly exaggerating its capabilities and reach. Sensationalized coverage in the mainstream news supported by hyperbolic statements by U.S. counterterrorism officials accomplish this for them.¹⁵ The flawed narrative that likens "radical Islam" to an ideological virus spreading unseen through "vulnerable" American Muslim communities is generating mutual distrust and animosity, leading to more strident calls for discriminatory policies, and increasing anti-Muslim violence.¹⁶ It is also self-defeating, as many radicalization theories identify alienation and the experience of discrimination as the conditions that lead to greater radicalization.¹⁷ If the goal of

terrorism is to spread fear and divide American communities against ourselves, our current counterterrorism discourse is only helping them.

“Radical Islam” Lacks Objective Meaning and Distorts Counterterrorism Analysis

Radicalization is a flawed concept that does not withstand scholarly evaluation. Proponents of the term “radical Islam” have broadly and arbitrarily applied it to an array of terrorist groups, political organizations, and nation states of diverse ideological strains and political aspirations, blurring their distinctions to infer an imaginary unified global conspiracy against the West. These include designated terrorist groups like Hezbollah, a Shia group in Lebanon and Syria; Sunni groups like al Qaeda and ISIS; and even at least one Kurdish militant group operating in the region.¹⁸ The fact that these groups are currently at war with one another seems to matter very little to those determined to see them as sharing a united dream of global Islamic supremacy.

Likewise it is used to describe both the governments of Saudi Arabia and Iran, though they are regional rivals whose populations represent different sects within Islam.¹⁹ Even homegrown groups like the Liberty City 7 can be included, despite the fact they were not Muslim. Including such disparate groups under one umbrella artificially inflates the scope of activity, even as it distorts what is actually happening. Moreover, ISIS, al Qaeda, and the government of Saudi Arabia share remarkably similar religious beliefs, yet they are locked in bloody conflict over which controls a particular piece of territory. This fact strongly suggests the conflict is more political than ideological.

More damaging, however, is when “radical Islam” is used not to describe violent groups, but Muslim civil rights advocates, charitable organizations, and religious institutions in the U.S. Using the concept of radicalization to smear one’s political opposition is not new. Government-amplified fears of “radicalism” drove a half century of abusive security policies targeting labor organizers, civil rights advocates, and peace activists during the red scares of the early 1900s, and the 1950s and 1960s.²⁰ We should have learned from these episodes that increasing government secrecy and limiting due process in intelligence activities targeting these suspect communities will only undermine the strength of our constitutional checks and balances, and increase the opportunity for error and abuse.

Law enforcement officials need to focus on facts. Studies of individuals involved in acts of terrorism concluded long ago that there is no terrorist profile, discernable pattern, or predictive pathway that leads to terrorist violence.²¹ While the concept that terrorists are radicals may seem intuitive, evidence shows the vast majority of people adopting radical beliefs do not engage in, nor support terrorist violence.²² Many who do commit terrorist acts are not motivated by extremist ideologies, but a host of other personal and environmental influences.²³ A 2008 study of hundreds of individuals involved in terrorism and terrorism financing by the British intelligence agency MI-5 concluded that most were “religious novices,” and that “a well-established religious identity actually protects against violent radicalization.”²⁴

The concept of radicalization discussed today is simply tautological, and only identifiable in hindsight: the proof of a terrorist’s radicalization is the later commission of a terrorist act.²⁵

Whenever a terrorist strikes, government officials and media analysts cherry-pick facts from that person's background – which can be as inconsequential as viewing a video or visiting a website – to evidence the individual's purported radicalization. But the fact remains that adopting an extreme or radical ideology does not lead to violence in most cases and is not a necessary step to becoming a terrorist, much less a predictive one.²⁶ Focusing on signs of radicalization rather than evidence of wrongdoing distracts law enforcement efforts from real threats.

Flawed Radicalization Theories Drive Flawed Counterterrorism Strategies at Home

Despite the lack of scientific support for radicalization theory, it continues to drive our counterterrorism methods. The government today relies on casting a net as widely as possible, using mass surveillance and “see something, say something” tip lines to accumulate vast stores of data, with the hope that suspects can be identified or cleared through investigation and analysis. The sheer volume of information collected makes the task enormously difficult, as suspicion is cast on thousands of people, but the application of flawed predictive models all but assures failure. So we repeatedly see terrorists like David Headley, Tamerlan Tsarnaev, and now Omar Mateen slip through the cracks despite having been repeatedly referred for investigation.

The Tsarnaev case presents an example of how the focus on radicalization, rather than traditional markers of violent crime, may have played a role in failing to recognize the threat. Russian warnings sent to the FBI and CIA alleged Tsarnaev was associating with “violent radical Islamists” and planning to travel to Russia to join extremist groups.²⁷ If true, such travel would be a crime under U.S. law, so it is unclear why the FBI did not pursue a criminal investigation designed to prove or disprove this allegation. In fact, when the FBI conducted its assessment of Tsarnaev in 2011, the investigating agent didn't even ask him if he had plans to travel to Russia, or follow up when his purchase of a one-way ticket to Russia “pinged” against the watch list.²⁸ The Bureau's official position defended the quality of its pre-bombing assessment, but an Inspector General's review challenged its adequacy.²⁹ FBI supervisors the IG spoke with argued that Tsarnaev's travel to Russia was “huge” and would have “changed everything” about the scope of the investigation had they been told.³⁰

But instead of focusing on the criminal allegation, the FBI chose a much harder task of assessing whether Tsarnaev “posed a threat to national security,” consistent with its new role as a domestic intelligence agency rather than law enforcer. The Boston FBI conducted 1,000 assessments that year alone, which may explain why the inquiry regarding Tsarnaev was not as thorough as it should have been. Nationwide the FBI conducted over 82,000 assessments from March 2009 to March 2011, less than 3,400 of which found any information to justify further investigation.³¹ Fewer still resulted in any charges.

Tsarnaev reportedly cooperated with the investigation, which likely gave the interviewing agent a false comfort that he did not fit the imagined profile of a Muslim extremist.³² I suspect the alleged interest in Chechen terror groups, which had not previously targeted Americans, may not have matched the threat picture the FBI was concerned about at the time. Like in Mateen's case, Tsarnaev had a history of violence in his criminal records, but the IG reported that the victim wasn't interviewed.³³

Much has been made of a reported outburst Tsarnaev had in a local mosque a few months before the 2013 attack.³⁴ It has been reported as a missed opportunity to identify his increasing radicalization, but given the FBI's tepid response to the more direct Russian warnings, it is unclear how it would have changed the FBI's assessment.³⁵ And besides, there was a more obvious clue to his propensity for violence that casts further doubt on the quality of the FBI's threat assessment capabilities. Less than three months after the FBI's 2011 assessment closed, and four months before Tsarnaev went to Russia, he allegedly murdered three people in Waltham, Massachusetts, according to documents filed in federal court in 2014.³⁶ The murders weren't solved before the 2013 bombing, which isn't unusual, since more than a third of the roughly 15,000 murders committed in the U.S. each year aren't cleared.³⁷ The clearance rate in Boston was 37 percent that year.³⁸

This unfortunate fact points us toward an alternative approach that might be more effective in improving the security of all Americans. If resources currently devoted to ineffective mass surveillance programs and tracking down tens of thousands of specious "see something, say something" leads were instead used to address violent crimes, half of which currently go unsolved, perhaps more terrorists in training could be discovered before they attack.³⁹ In the meantime, rather than wasting resources investigating innocents, law enforcement could focus on improving our collective security by making all American communities safer. Traditional policing strategies focused on following logical leads based on evidence, rather than flawed theories and collective suspicion, will better protect against all the violent threats we face. Law enforcement agencies can most effectively build trust in the communities they serve by resolving their crime problems and security concerns in a collaborative, respectful manner.

Flawed Radicalization Theories Drive Flawed Counterterrorism Strategies Abroad

The flawed radicalization theory also distorts U.S. foreign policy and counterterrorism strategies abroad. By viewing different conflicts through the single prism of defeating "radical Islam" we limit our options and put ourselves on a path toward permanent war. One cannot compromise or negotiate political solutions with fanatics, leaving their destruction the only option. But an idea cannot be killed; an ideology cannot be destroyed. The allied powers defeated Nazi Germany in World War II, but we did not defeat fascism, as my undercover cases against neo-Nazis in the 1990s and the tragic political assassination in Britain this month so clearly demonstrate. We rightly criminalize their violent acts, not their ideas. Declaring the defeat of "radical Islam" as our goal would only grant the most violent extremists within these groups – or those that merely claim allegiance to them – the power to control our foreign policy destiny by acting as spoilers to any effort to resolve the separate conflicts.

We must understand terrorism as a methodology, not an ideology. Their horrible violence is designed to provoke reactions that empower them and weaken us. Crediting ISIS with violence committed by people they had no connection to, as too many policy makers did after the Orlando shooting, unnecessarily ascribes them with power and reach they do not deserve. Our reaction to violent acts like the Orlando shooting should not provide a model for every angry misanthrope to achieve power, fame, and influence by simply claiming status as a soldier for a cause.

Moreover, the focus on “radical Islam” blinds us to the objective fact that military conflict is often the primary driver of terrorism. As Daniel Byman, senior fellow at the Brookings Institution’s Center for Middle East Policy, argued in the Washington Post,

...wars are perhaps the richest soil for seeding and growing violent groups of all stripes. Without the wars in the Middle East there would be no Islamic State, and it is not the only one: Al-Qaeda, Hezbollah and other extremist groups all emerged out of regional civil wars. The formation of such groups is a political phenomenon, and so, too, is the radicalization of foreign fighters from the West.⁴⁰

This argument is supported with data. Though global terrorism has increased in recent years, the vast majority of attacks (80 percent) take place in states embroiled in civil wars or persistent insurgencies: Iraq, Nigeria, Syria, Afghanistan, and Pakistan.⁴¹ U.S. involvement in foreign conflicts also plays a role in driving homegrown terrorism. Convicted terrorists Najibullah Zazi, Faisal Shahzad and, if the reports are correct, Omar Mateen all claimed protest against U.S. bombing campaigns in Muslim countries as justification for their acts.⁴² We need to understand the true nature of these varied conflicts in order to develop more effective strategies to reduce politically-motivated violence of all kinds.

Conclusion

We have invested \$1.7 trillion to defeat terrorism since 9/11, and the men and women of our military, intelligence, and law enforcement agencies have labored above and beyond the call to duty. But the caustic public debate about terrorism has divided us as a nation, making us less safe and less resilient. A counterterrorism discourse that pits Americans against one another will not improve our national security. We need to develop more effective security strategies derived from objective, non-partisan, evidence-based evaluations of our counterterrorism policies and practices to identify what has worked and what has not over the last 15 years. Americans have accepted intrusions into their private lives, and the inconvenience of burdensome security measures, but we need to know whether these tradeoffs were justified or necessary.

More effective counterterrorism strategies would be designed to build national unity and assuage public fear by providing objective information about the nature and scope of the many threats we face, and the efficacy of the measures we are taking to address them. Programs that have not shown clear results, such as the domestic communications metadata collection program and the Transportation Security Administration’s behavioral detection program, which are both expensive and unnecessarily invasive to Americans’ privacy and civil rights, should be scrapped so the resources can be devoted to criminal investigations based on reasonably objective evidence of wrongdoing. The framers of our Constitution believed that a nation founded on principles of limited government and inalienable individual liberties would be the strongest nation on earth. We should model our policies with the confidence that jealously protecting these hard-won American values and commitment to the rule of law is what will ensure our lasting security.

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⁴² See for example: Arthur Sulzberger & William Rashbaum, *Najibullah Zazi Pleads Guilty in Plot to Bomb Subway*, N.Y. TIMES, Feb. 22, 2010, at A1, available at <http://www.nytimes.com/2010/02/23/nyregion/23terror.html>; and, Lorraine Adams & Ayesha Nasir, *Inside the Mind of the Times Square Bomber*, THE GUARDIAN, Sept. 18, 2010, <https://www.theguardian.com/world/2010/sep/19/times-square-bomber>.